

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA
Plaintiff

v.

Case Number 4:08CR3157-001

USM Number None

MOBILITY SPECIALISTS
Defendant

ROBERT B. CREAGER

Defendant's Attorney

**JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)**

THE DEFENDANT pleaded guilty to count I of the Information on November 10, 2008.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense:

<u>Title, Section & Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number</u>
18 U.S.C. 1347 and 2 HEALTH CARE FRAUD	February 21, 2005	I

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:
January 26, 2009

s/ Warren K. Urbom
United States Senior District Judge

January 28, 2009

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

Total Assessment

\$400.00

Total Fine

FINE

No fine imposed.

Total Restitution

\$293,762.48

RESTITUTION

Restitution in the amount of **\$293,762.48** is hereby ordered. The defendant shall make restitution to the following payees in the amounts listed below. Any restitution received should be first paid to any private insurance companies, second to Medicaid, and any remaining restitution should then be paid to Medicare.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Medicare	\$242,000.51	\$242,000.51
Medicaid	\$7,860.59	\$7,860.59
AARP	\$3,309.00	\$3,309.00
American Republic Insurance Company	\$3,695.77	\$3,695.77
Blue Cross Blue Shield	\$18,274.39	\$18,274.39
Mutual of Omaha	\$4,030.79	\$4,030.79
ELCA Health Plan	\$657.68	\$657.68
Principle Life Insurance Company	\$2,576.55	\$2,576.55
State Farm Insurance	\$1,097.50	\$1,097.50
State Mutual Insurance Company	\$2,352.14	\$2,352.14
Ponca Tribe of Nebraska	\$1,839.25	\$1,839.25
Tricare Management Activity	\$1,831.00	\$1,831.00
United Health Care	\$3,133.89	\$3,133.89
Washington National	\$1,103.42	\$1,103.42
Totals	\$293,762.48	\$293,762.48

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**Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

SCHEDULE OF PAYMENTS

The defendant shall pay the special assessment in the amount of \$400.00.

The criminal monetary penalty is due in full on the date of the judgment. The defendant is obligated to pay said sum immediately if Mobility Specialists has the capacity to do so. The United States of America may institute civil collection proceedings at any time to satisfy all or any portion of the criminal monetary penalty.

The Mobility Specialists Company shall pay restitution in the amount of \$293,762.48. The money paid in accordance with the Final Judgment by Consent entered in **United States v. Mark A. Frederick**, 4:08CV3226, for \$64,504.33 shall be credited to the restitution obligation. Furthermore, the \$82,376.91 in possession of the U.S. Marshal Service shall be forwarded to the Clerk of the U.S. District Court.

Any payments made on the outstanding criminal monetary penalty shall be applied in the following order of priority: special assessment; restitution; fine; and other penalties. Unless otherwise specifically ordered, all criminal monetary penalty payments shall be made to the clerk of the Court. Unless otherwise specifically ordered, interest shall not accrue on the criminal monetary penalty.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 100 Centennial Mall North, 593 Federal Building, Lincoln, NE 68508.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: _____

DENISE M. LUCKS, CLERK

By _____ Deputy Clerk